

**Minutes for Second Signature Ad Hoc Committee
November 27, 2007
Final Minutes**

Call to Order

Meeting called to order at 10:02 a.m.

Committee Members:

Mark Sawyers
Randy Seibert
Gary Teter
Fred Scheler

Absent:

Ron Miner

Staff present:

Benjamin Foster, Board Executive Director
Daphane Phillips, Administrative Assistant

Other present:

Bruce Keeney, of VATRO
Brian M. Gordon, Vice President Government Affairs for AOBA
David Reidenbach, Chief Regulations and Licensing of Fairfax County

Public Comment:

Bruce Keeney of VATRO mentions that he commends the progress that the committee has accomplished in the past months. However, he would like to see the statute addressed. The localities are not happy with the second signature, and he suggests repeal to the statute.

Brian M. Gordon supports the elimination of the statute, and recommends that they stick to the original legislations.

David Reidenbach states that one locality has implemented the statute. He does not agree with the second signature, because it will put towers in danger. He asks that the board go with what Prince Williams has for their second signature, but use it very limited. Mr. Reidenbach would like to see comprise between the localities.

Chairman Sawyers closed public comments at 10:14 a.m.

The following motions were made and approved by the committee to the document below:

Chairman Sawyers called for a motion to accept House Bill 2260, as the approved document, and present it to the full board for a vote on December 11. Mr. Scheler made the motion, seconded by Mr. Teter, all in favor 4, opposed 0, the vote passed unanimously.

Chairman Sawyers called for a motion to approve the minutes from October's 29th meeting. A motion was made by Mr. Seibert to accept the minutes with the necessary correction to show the vote as 4 to 1 as the final count for sending the second signature document to the full board. The motion was seconded by Gary Teter. The minutes were adopted unanimously.

Chairman Sawyer made the motion amend the approved document to read in section (B) (ii) *when a written authorization is in place*, the motion was seconded by Mr. Seibert, all in favor 5, 0 opposed, the vote passed unanimously.

HB 2260 Towing and recovery operators; eliminates requirement to obtain 2nd authorization from owner.

[Thomas Davis Rust](#)

Summary as introduced:

Removal of trespassing vehicles by towing and recovery operators. Eliminates the requirement that towing and recovery operators obtain a second written authorization from the owner of the property from which the vehicle is towed.

Full text:

[01/09/07 House: Prefiled and ordered printed; offered 01/10/07 078438492](#)

Status:

01/09/07 House: Prefiled and ordered printed; offered 01/10/07 078438492

[01/09/07 House: Referred to Committee on Transportation](#)

HOUSE BILL NO. 2260

Offered January 10, 2007

Prefiled January 9, 2007

A *BILL* to amend and reenact § [46.2-1232](#) of the Code of Virginia, relating to removal of trespassing vehicles by towing and recovery operators.

Patrons-- Rust and Marsden

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § [46.2-1232](#) of the Code of Virginia is amended and reenacted as follows:

§ [46.2-1232](#). Localities may regulate removal or immobilization of trespassing vehicles.

A. The governing body of any county, city, or town may by ordinance regulate the removal of trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or released from a location in another locality, the local ordinance, if any, of the locality from which the vehicle was towed shall apply.

B. No local ordinance adopted under authority of this section shall require that any towing and recovery business (i) also operate as or provide services as a vehicle repair facility or body shop, filling station, or any business other than a towing and recovery business or (ii) obtain, *when a written authorization is in place, at the time the vehicle is towed the written authorization of the owner of the property from which the vehicle is towed or his agent.*

C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain photographs or other documentary evidence substantiating the reason for the removal; and (ii) post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery, and storage services and (b) the name and business telephone number of the local official, if any, responsible for handling consumer complaints; and (iii) ~~obtain, at the time the vehicle is towed, the written authorization of the owner of the property from which the vehicle is towed, or his agent. Such written authorization, if required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent. For the purposes of this subsection, "agent" shall not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business.~~

Adjournment:

There being no further business, Chairman Sawyers asked for a motion to adjourn. A motion was made by Mr. Teter, seconded Mr. Seibert; the meeting was adjourned at 11:29.a.m.